

REMARKS

Before entry of this Amendment and Response, the status of the application according to the pending Office action is as follows:

- Claims 1, 3-6, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,688,192 to Aoyama (hereinafter “Aoyama”).
- Claims 1, 3-7, 9-12, and 24-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Publication Number WO 95/09034 to Mills (hereinafter “Mills”), in view of U.S. Patent No. 4,154,789 to Delacoste (hereinafter “Delacoste”) and Aoyama.
- Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mills in view of Delacoste, Aoyama, and U.S. Patent No. 5,091,265 to Kennedy et al. (hereinafter “Kennedy”).
- Claims 9, 26, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoyama.
- Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoyama in view of Kennedy.

Applicant hereby amends claim 1, as shown in the preceding Listing of Claims. Support for the amendment may be found in the specification as filed, and at least in Paragraphs [0025], [0033], [0035]-[0038], [0040], and [0048] and FIG. 1 of the specification, as published. No new matter has been added thereby.

In view of the above amendment and following remarks, Applicant respectfully requests reconsideration and withdrawal of all grounds of rejection, and passage of claims 1, 3-12, and

24-27 to allowance.

1. Claims 1, 3-6, and 11 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Aoyama. Applicant respectfully traverses this rejection as applied to the claims, as amended.

Applicant's amended independent claim 1 recites a finished ball comprising an outer skin having a plurality of layer complexes, wherein each layer complex comprises a plurality of pre-bonded layers forming an inseparable layer, the outer skin comprising at least one inner layer complex and an outermost layer complex forming a top layer complex of the finished ball, wherein the top layer complex includes a syntactic material. Applicant specifically describes in Paragraphs [0025], [0033], [0036]-[0038], and [0043]-[0048] an outer layer complex comprising multiple layers intimately bonded together prior to forming the ball and a method of producing such a ball. Further, as can be seen in FIG. 1, the syntactic material is a part of the top layer complex 20, which comprises a number of individual layers bonded together to form the outermost layer of the outer skin. As such, Applicant submits that the claimed layer complex language is definitive and fully supported by the specification as filed.

By contrast, in Aoyama, the compressible gaseous material incorporating the microspheres is positioned as an outer layer of the golf ball's core (see column 3, lines 2-5), which is then enclosed in a SURLYN<sup>®</sup>, ionomer resin cover (see column 1, lines 14-17). As a result, the layer of the golf ball containing the compressible gaseous material is not the outermost layer of the golf ball, but an intermediate layer between the inner core and the outer resin "skin" of the golf ball. Aoyama does not disclose the addition of microspheres into the outer SURLYN<sup>®</sup> or Balata cover of the golf ball.

Specifically, Applicant claims a finished ball, for example a football (i.e., soccer ball), not

merely an intermediate structure having a ball or spherical shape. Page 4 of the Office action refers to the intermediate core of Aoyama as spherical and, therefore, a ball; however, the intermediate core of Aoyama is not a finished ball as claimed in amended claim 1. Aoyama states, at column 3, lines 15-16, ***“to complete the ball, a cover 3 is molded over the core 2.”*** Therefore, Aoyama does not disclose a finished ball comprising an outermost layer complex forming a top layer complex of the finished ball, wherein the top layer complex includes a syntactic material.

Furthermore, Aoyama only discloses individual, single layers, not a plurality of layer complexes. In particular, Aoyama fails to disclose an outer skin of a finished ball being comprised of a plurality of layer complexes, wherein each layer complex comprises a plurality of pre-bonded layers forming an inseparable layer, the outer skin comprising at least one inner layer complex and an outermost layer complex forming a top layer complex of the finished ball, wherein the top layer complex includes a syntactic material that comprises a plurality of resilient spherical bodies dispersed in a matrix material. In Aoyama, the layers forming the ball are individual single layers (see FIGS. 1 and 2), and the layer containing the microspheres constitutes one single layer of the ball's core (see column 3, lines 2-10), rather than being part of a complex of pre-bonded layers making up the outermost layer of the outer skin. Accordingly, amended claim 1 is patentable over Aoyama.

Because claims 3-6 and 11 depend directly from amended claim 1, these claims are patentable as well. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claims 1, 3-6, and 11 under 35 U.S.C. § 102(b) over Aoyama.

2. Claims 1, 3-7, 9-12, and 24-27 are rejected under 35 U.S.C. § 103(a) as being

unpatentable over Mills in view of Delacoste and Aoyama. Applicant respectfully traverses this rejection as applied to the claims, as amended.

As stated above, Aoyama fails to teach or suggest each and every element of Applicant's independent claim 1. Mills and Delacoste fail to cure the deficiencies of Aoyama. Neither Mills, Delacoste nor Aoyama, alone or in proper combination, teach or suggest a ***“finished ball comprising an outer skin having a plurality of layer complexes, wherein each layer complex comprises a plurality of pre-bonded layers forming an inseparable layer, the outer skin comprising at least one inner layer complex and an outermost layer complex forming a top layer complex of the finished ball, wherein the top layer complex includes a syntactic material that comprises a plurality of resilient spherical bodies dispersed in a matrix material,”*** as recited in amended independent claim 1.

Mills fails to teach or suggest an outer skin of a finished ball comprising a plurality of layer complexes, wherein each layer complex comprises a plurality of pre-bonded layers forming an inseparable layer. Mills instead appears to disclose a ball wherein each layer of the outer skin comprises one individual layer of a single material, namely a layer of transparent film with decorative markings, a foam layer, a woven layer and a bladder.

Delacoste fails to teach or suggest an outer skin of a finished ball comprising a plurality of layer complexes, wherein each layer complex comprises a plurality of pre-bonded layers forming an inseparable layer, but rather appears to disclose a ball manufactured from two or more layers wherein each layer is made from a single layer of material.

Therefore, no combination of these references suggests a ***“finished ball comprising an outer skin having a plurality of layer complexes, wherein each layer complex comprises a***

**plurality of pre-bonded layers forming an inseparable layer, the outer skin comprising at least one inner layer complex and an outermost layer complex forming a top layer complex of the finished ball, wherein the top layer complex includes a syntactic material that comprises a plurality of resilient spherical bodies dispersed in a matrix material.**” As such, amended

independent claim 1 is patentable. Because claims 3-7, 9-12, and 24-27 depend, either directly or indirectly, from independent claim 1, these claims are patentable as well.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 3-7, 9-12, and 24-27 under 35 U.S.C. § 103(a) based on Mills in view of Delacoste and Aoyama are respectfully requested.

3. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mills in view of Delacoste, Aoyama, and Kennedy. Applicant respectfully traverses this rejection as applied to the claims, as amended.

As stated above, Mills in view of Delacoste and Aoyama, fails to teach or suggest each and every element of Applicant’s independent claim 1. Kennedy fails to cure the deficiencies of Mills in view of Delacoste and Aoyama. Kennedy fails to teach an outer skin of a finished ball comprising a plurality of layer complexes, wherein each layer complex comprises a plurality of pre-bonded layers forming an inseparable layer. Kennedy also fails to teach or suggest the use of resilient spherical bodies in an outermost layer complex of a ball.

Because claim 8 depends indirectly from independent claim 1, this claim is patentable as well. Accordingly, reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a) based on Mills in view of Delacoste, Aoyama, and Kennedy is respectfully requested.

4. Claims 9, 26, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over

Aoyama. Applicant respectfully traverses this rejection as applied to the claims as amended.

As stated above, Aoyama, fails to teach or suggest each and every element of Applicant's independent claim 1. Because claims 9, 26, and 27 depend, either directly or indirectly, from independent claim 1, these claims are patentable as well. Accordingly, reconsideration and withdrawal of the rejection of claims 9, 26, and 27 under 35 U.S.C. § 103(a) based on Aoyama is respectfully requested.

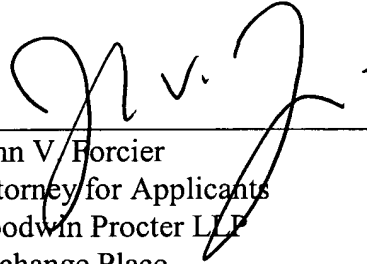
5. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoyama in view of Kennedy. Applicant respectfully traverses this rejection as applied to the claims as amended.

As stated above, neither Aoyama nor Kennedy, alone or in proper combination, teach or suggest every element of amended independent claim 1. Because claim 8 depends indirectly from independent claim 1, this claim is patentable as well. Accordingly, reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a) based on Aoyama in view of Kennedy is respectfully requested.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration, withdrawal of all grounds of rejection, and allowance of claims 1, 3-12, and 24-27 in due course. The Examiner is invited to contact Applicant's undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,



---

John V. Forcier  
Attorney for Applicants  
Goodwin Procter LLP  
Exchange Place  
Boston, Massachusetts 02109

Date: June 13, 2005  
Reg. No. 42,545

Customer No. 051414  
Tel. No.: (617) 570-1607  
Fax No.: (617) 523-1231

LIBC/2503973.1